

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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UNITED STATES OF AMERICA,

-v-

JAMSHED RAHMATOV,

Defendant.

1:22-cr-268 (MKV)

**ORDER DENYING MOTION FOR
SENTENCE REDUCTION UNDER
AMENDMENT 821**

MARY KAY VYSKOCIL, United States District Judge:

On November 7, 2022, the Defendant was sentenced principally to a term of imprisonment of 66 months. [ECF No. 25]. On December 1, 2023, the Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023 and applies retroactively. [ECF No. 39]. The United States Probation Office has issued a report indicating that the Defendant is not eligible for a sentence reduction. [ECF No. 40].


The Court has considered the submissions on this motion and independently reviewed the record in this case, including specifically reviewing the appropriate Sentencing Guidelines range. IT IS HEREBY ORDERED that the Defendant is ineligible for a sentence reduction pursuant to Amendment 821. Part A of Amendment 821, which amends Guidelines § 4A1.1, is inapplicable because the Defendant did not commit the offense for which he is presently serving sentence while under any prior criminal justice sentence. Accordingly, there was no upward adjustment of the Defendant's offense level in the calculation of the Sentencing Guidelines applicable in this case. Part B of Amendment 821, which amends Guidelines § 4C1.1, is also inapplicable. Although the Defendant had zero criminal history points at the time of sentencing, the Defendant does not meet the specified eligibility criteria for the application of Part B, because the Defendant used violence or credible threats of violence in connection with the offense, and because the Defendant

possessed, received, purchased, transported, sold, or otherwise disposed of a firearm or other dangerous weapon in connection with the offense. *See* U.S.S.G. § 4C1.1(a)(3), (7). As a result, the Defendant is precluded from a sentence reduction under both Parts of Amendment 821.

Accordingly, the Defendant's motion for a sentence reduction pursuant to Amendment 821 is DENIED. The Clerk of Court is respectfully requested to terminate the motion pending at docket entry 39.

SO ORDERED.

Dated: April 5, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge